



Staci L. Pies

Director
Federal Regulatory Affairs

(571) 382-7443
(571) 382-7440 - Fax
staci.pies@level3.com

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Ex Parte – via Electronic Filing

Ms. Marlene Dortch
Secretary
Federal Communications Commission
Room TW-A325
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: WC Docket No. 02-314 ; CC Docket Nos. 96-98 and 99-68

Dear Ms. Dortch:

On October 30, 2002, Greg Rogers, Mike Romano and I of Level 3 Communications, LLC (Level 3), and Kent Bressie, Harris, Wilshire & Grannis, LLP, counsel for Level 3, met with Aaron Goldschmidt, Jennifer McKee, Diana Lee, and Steve Morris of the Wireline Competition Bureau, Pricing Policy Division. The purpose of the meeting was to discuss the deficiencies of the nine-state application for 271 authority submitted by Qwest Communications International, Inc. (Qwest).

As set out in the attached document, Level 3 explained that Qwest is violating competitive checklist item (i) by failing to provide interconnection to Level 3 consistent with the FCC's interconnection rules and obligations. Qwest's interpretation of the FCC's interconnection rules to exclude "Internet related" traffic disregards the FCC's clear pronouncement in the *ISP Remand Order*,¹ that by establishing a compensation regime for the termination of ISP-bound traffic, the FCC did "not alter carrier's other obligations . . . , such as obligations to transport traffic to points of interconnection."

Level 3 is not alleging that Qwest is violating the FCC's compensation regime for termination of ISP-bound traffic. By prohibiting Qwest from charging Level 3 for facilities on the Qwest network used to carry Internet-related traffic originated by Qwest's end-users and terminated by Level 3, the FCC will reconfirm its express comment in footnote 149 of the *ISP*

¹ See *In re Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Inter-Carrier Compensation for ISP-Bound Traffic*, Order on Remand and Report and Order, 16 FCC Rcd 9151, 9157, FCC 01-131, CC Docket Nos. 96-98, 99-68 (rel. April 27, 2001) ("*ISP Remand Order*").

Remand Order that its decision did not alter the originating carrier's interconnection obligation to carry traffic to the point of interconnection without origination charges.

In accordance with FCC Rules, a copy of this letter is being filed in each of the above captioned dockets.

Sincerely,

/s/ submitted electronically

Staci L. Pies
Director, Federal Regulatory Affairs

cc: Aaron Goldschmidt, Assistant Division Chief
Jennifer McKee
Diana Lee
Steve Morris